

share aforesaid shall be equally divided among such children; provided, that there be no representation admitted among collaterals after brothers' and sisters' children.

In view of the proviso clause at the end of this section, an uncle or aunt of the intestate inherits to the exclusion of the children of deceased uncles and aunts, and first cousins, to the exclusion of the children of deceased first cousins. The distinction drawn between taking by *representation* and by *inheritance*. This section excludes grand-nephews when nephews are living. The "brothers and sisters" referred to in this section, are those of the intestate. Who are "collaterals"? The last clause of this section construed in connection with sections 19 and 21. *Suman v. Harvey*, 114 Md. 241; *Hoffman v. Watson*, 109 Md. 546; *McComas v. Amos*, 29 Md. 131; *Elwood v. Lannou*, 27 Md. 210; *Porter v. Askew*, 11 G. & J. 346; *Levering v. Heighe*, 3 Md. Ch. 374; *Levering v. Heighe*, 2 Md. Ch. 89; *Ellicott v. Ellicott*, 2 Md. Ch. 468.

Where nephews alone inherit, they take *per stirpes* and not *per capita*. This section is to be read in connection with section 19. The words "any father or mother," construed. *McComas v. Amos*, 29 Md. 139. And see *Maxwell v. Seney*, 5 H. & J. 23.

Where the intestate has in her lifetime gotten a judgment against one of her heirs, who, however, predeceased the intestate, the children of such heir are entitled to their mother's share, without being compelled to pay the judgment. The words "and no more," discussed. *Kendall v. Mondell*, 67 Md. 445.

See art. 93, sections 125, 128 and 130.

1904, art. 46, sec. 28. 1888, art. 46, sec. 28. 1860, art. 47, sec. 28.

1820, ch. 191, sec. 6.

28. Nothing herein contained shall be construed or taken to alter or in any manner change the course of descent as heretofore used and established, so as to affect the case of any entail, or limitation in tail whatever, made, created and in being before the first day of January, 1788, but the same shall, during the continuance of the estate in tail, or limitation in tail, and until the same may be legally destroyed or barred, descend according to the course of descent heretofore used and established; nor shall anything herein be taken or construed to interfere with or alter any limitation, grant or gift by devise, conveyance or otherwise, to special or particular heirs, in a different course of descent from what it is by this article specified; but in such cases the descent shall be according to the limitation or form of the gift, devise or grant, until the entail shall be legally barred or destroyed; nor shall this article or anything therein contained be taken or construed to bar or affect any widow's right of dower.

This section does not affect the conversion of a conditional fee into an unqualified fee under section 1. *B. & O. R. R. Co. v. Patterson*, 68 Md. 608.

This section referred to in construing section 1. *Newton v. Griffith*, 1 H. & G. 130.

See notes to sec. 1.

See art. 21, sec. 24.

*Ibid.* sec. 29. 1888, art. 46, sec. 29. 1860, art. 47, sec. 29.

1820, ch. 191, sec. 7.

29. If any man shall have a child or children by any woman whom he shall afterwards marry, such child or children, if acknowledged by the man, shall, in virtue of such marriage and acknowledgment, be hereby legitimated and capable in law to inherit and transmit inheritance as if born in wedlock.